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WALMART INC.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

EDIE GOLIKOV, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

WALMART INC.,

Defendant.

Case No. 2:24-CV-08211-RGK-MAR

**SUPPLEMENTAL DECLARATION  
OF JACOB M. HARPER IN  
SUPPORT OF JOINT  
STIPULATION PURSUANT TO  
LOCAL RULE 37 FOR  
DEFENDANT'S MOTION TO  
COMPEL FURTHER RESPONSES  
TO REQUESTS FOR  
PRODUCTION**

[Supplemental Brief iso Joint  
Stipulation filed concurrently]

Date: June 11, 2025  
Time: 11:00 a.m.  
Location: Courtroom 790

Assigned to the Hon. Margo A. Rocconi

Discovery Cut-Off: June 24, 2025  
Pretrial Conference: September 8, 2025  
Trial Date: September 23, 2025

**DECLARATION OF JACOB M. HARPER**

I, Jacob M. Harper, declare and state as follows:

1. I am a partner with the law firm of Davis Wright Tremaine LLP, counsel for defendant Walmart Inc. (Walmart) in this matter. I make this supplemental declaration in support of the parties' Joint Stipulation Pursuant to Local Rule 37 for Defendant's Motion to Compel Further Responses to Requests for Production, and file it concurrently with Walmart's Supplemental Brief. I have personal knowledge of the facts set forth in this declaration, and if called as a witness, I could and would competently testify to them.

2. Counsel for plaintiff Edie Golikov, Mr. Richard Lyon, submitted a declaration in support of the Joint Stipulation (Dkt. 71-2), which in my view mischaracterized the discovery history in this action, including Walmart's discovery conduct. Although Walmart's discovery conduct has no relevance to this Joint Stipulation, I outline the discovery history in this action to address Mr. Lyon's mischaracterizations (repeated in Plaintiff's Introductory Statement in the Joint Stipulation), and clarify some of these misstatements.

**Ms. Golikov Failed to Confer Regarding the Discovery Disputes at Issue**

3. Ms. Golikov served her responses to Walmart's First Set of Requests for Production on March 10, 2025.

4. On March 31, 2025, at my direction, my office first sent a letter on Walmart's behalf identifying deficiencies with Ms. Golikov's discovery responses (as I detailed in my May 21, 2025 declaration, Dkt. 71-1 ¶¶ 10–11). Shortly afterward, I scheduled a call with Mr. Lyon that took place on April 4, 2025, with the express purpose of discussing the content of the meet and confer letter. Mr. Lyon stated he was "not prepared" substantively to discuss the deficiencies identified in our letter. Mr. Lyon claimed he would be prepared to confer the following week, and I and my team accordingly waited to hear back from Mr. Lyon during that time. Mr. Lyon did not confer as promised.

1           5.     Since April 4, I have had several phone calls with Mr. Lyon. During  
2 those calls, I asked whether he planned to respond to our conferral letter (consistent  
3 with Ms. Golikov's obligations to confer within 10 days under Local Rule 37-1).  
4 Mr. Lyon either expressly stated he was not prepared to discuss the letter or did not  
5 address it at all.

6           6.     At no time has Ms. Golikov or her counsel otherwise responded to the  
7 March 31, 2025 letter or made any other attempt to confer regarding the issues we  
8 raised. Rather, on May 2, 2025, Ms. Golikov made her first (and only) production,  
9 which I detailed in my prior declaration (Dkt. 71-1 ¶¶ 15–16).

10          7.     Contrary to Mr. Lyon's statements in his declaration, I have repeatedly  
11 attempted to obtain Mr. Lyon's or his client's conferral on our March 31 letter. I  
12 have at no time "resisted" discussions regarding conferral on the March 31 letter or  
13 the issues we raised in it.

14           **The Stipulated Protective Order**

15          8.     With respect to the protective order, Walmart has acted diligently and  
16 not delayed, contrary to Mr. Lyon's characterizations.

17          9.     On April 3, 2025, Mr. Lyon emailed counsel for Walmart, including  
18 myself, a draft Stipulated Protective Order, but used the Northern District's model  
19 protective order instead of the model protective order requested by Magistrate Judge  
20 Margo A. Rocconi. Mr. Lyon followed up on April 10, 2025 regarding the  
21 protective order, but I explained that we were still revising the protective order to  
22 conform to Judge Rocconi's model and conferring with the client on the necessary  
23 provisions. Counsel for Walmart endeavored to revise the protective order to  
24 conform to Judge Rocconi's model protective order, among other revisions to  
25 account for the particular types of sensitive business and consumer records involved  
26 in this action.

27          10.    As I recall, Mr. Lyon did not follow up again regarding the protective  
28 order until May 1, 2025, when he asked for an "update." I advised that Walmart

1 would be filing a motion to compel arbitration shortly after and would turn back to  
2 the protective order then. The parties had also discussed jointly seeking a stay of the  
3 action pending resolution of the appellate proceedings regarding Walmart's Rule  
4 26(f) Petition and anticipated Motion to Compel Arbitration. On May 8, 2025, Mr.  
5 Lyon advised he wanted to move *ex parte* to enter a Protective Order, and my  
6 colleague, Joseph Elie-Meyers, responded at my direction that we would send back  
7 the draft Stipulated Protective Order shortly, and that there was no need for an *ex*  
8 *parte* application.

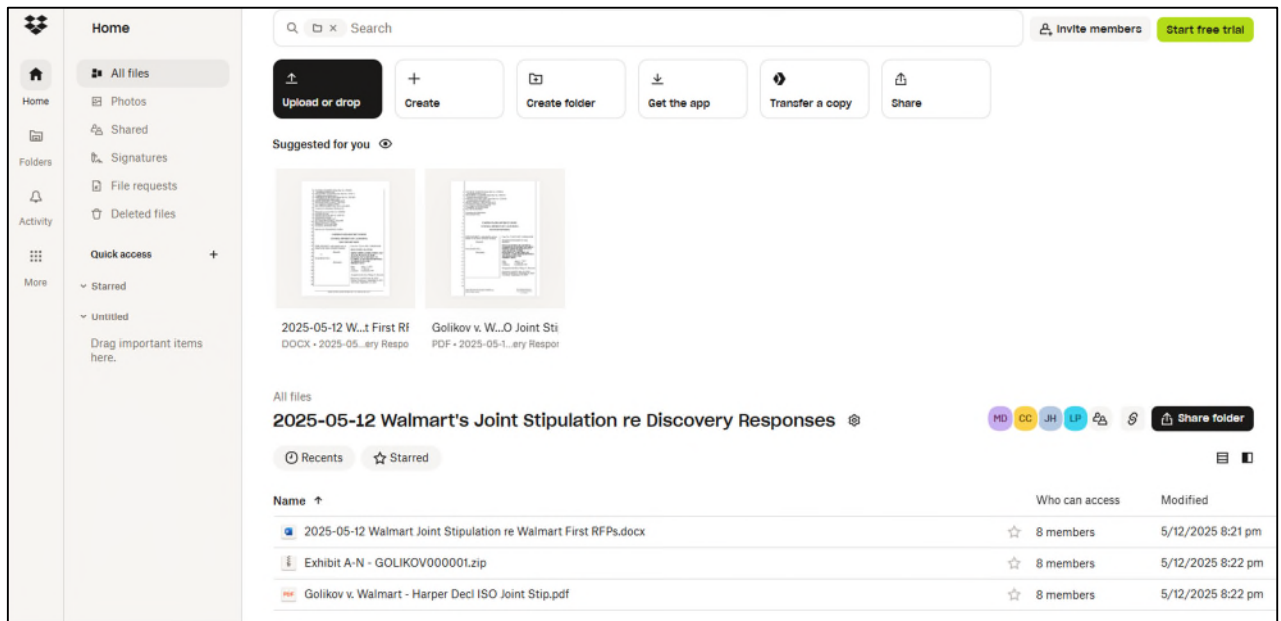
9 11. Walmart filed its Motion to Compel Arbitration on May 9, 2025; on  
10 May 13, 2025, the parties filed a Joint *Ex Parte* Application to stay the case pending  
11 resolution of the Motion to Compel Arbitration and the appeal of the class  
12 certification order in the Ninth Circuit. On May 16, 2025, Judge Klausner denied  
13 the parties' request for a stay, and the same day, Walmart sent the revised Stipulated  
14 Protective Order to Mr. Lyon. Mr. Lyon then filed the Stipulated Protective Order.

15 **Ms. Golikov Failed to Timely Return the Joint Stipulation, and Instead**  
16 **Sent a 33-Page Discovery Letter for Walmart's Responses**

17 12. After Walmart's multiple attempts to confer, and Ms. Golikov's  
18 repeated failure to engage, on May 12, 2025, Walmart served its portion of the Joint  
19 Stipulation to compel Ms. Golikov's further discovery responses and document  
20 production. On May 12, 2025, my colleague Michael Drell served by email (on  
21 Walmart's behalf) Walmart's Joint Stipulation Pursuant to Local Rule 37 for  
22 Defendant's Motion to Compel Further Responses to Requests for Production (the  
23 Joint Stipulation) to Ms. Golikov's counsel Rick Lyon and Christin Cho. Attached  
24 as **Exhibit O** is a true and correct copy of the email serving Ms. Golikov with the  
25 Joint Stipulation (the service email). This email came from a @dwt.com email  
26 address.

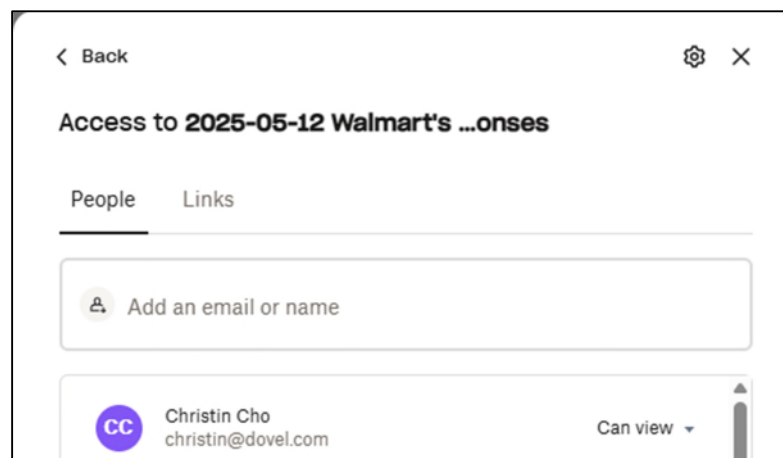
27 13. Access to the Joint Stipulation was provided to Ms. Golikov's counsel  
28 via Dropbox.com (Dropbox). A link to the Dropbox folder containing the Joint

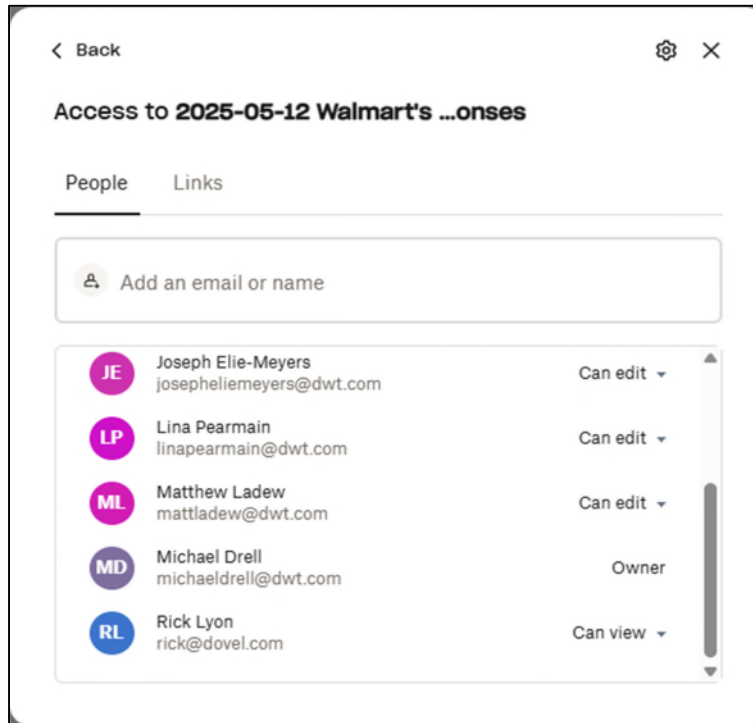
Stipulation and supporting documents was included in the service email. The Dropbox folder is shown in the below screenshot:



14. In addition to the service email, Dropbox automatically sent Ms. Golikov's counsel a separate email advising that the Joint Stipulation had been shared with them via Dropbox. An example of the email Dropbox sent to each of Ms. Golikov's counsel is attached as **Exhibit P**.

15. The Dropbox folder settings confirm that Ms. Golikov's counsel has access to view the Joint Stipulation and supporting documents, as shown in the below screenshots:





16. As Walmart served the Joint Stipulation on May 12, Ms. Golikov's portion of the Joint Stipulation was due May 19, 2025, pursuant to Local Rule 37-2. Ms. Golikov and her counsel did not serve her portion of the Joint Stipulation before or on May 19, 2025. Nor did Ms. Golikov or her counsel otherwise contact my office regarding Joint Stipulation before or on May 19, 2025.

17. However, on May 19, 2025, Ms. Golikov's counsel did serve a 33-page conferral letter purporting to raise deficiencies with Walmart's discovery responses (Dkt. 71-2, Lyon Decl. ¶ 2, Ex. A). As noted, Walmart had served its discovery responses on March 10, 2025, and Ms. Golikov and her counsel had not raised any discovery disputes regarding Walmart's responses before May 19, 2025.

18. On May 20, 2025, my colleague Michael Drell emailed Ms. Golikov's counsel and advised that Ms. Golikov had failed to timely provide her portion of the Joint Stipulation. Walmart asked for Ms. Golikov's (now untimely) portions. Mr. Lyon responded, claiming that both the service email and Dropbox email went to his junk folder. After Mr. Lyon confirmed he could access the Dropbox folder and Joint Stipulation, he asked for additional time to respond. In the interest of cooperation, we responded that we would provide the courtesy of waiting until May

21 to allow Mr. Lyon to add Ms. Golikov's portions—but that Walmart would need  
to get the Joint Stipulation on file at that point so that it could be heard sufficiently  
in advance of the June 24, 2025 fact discovery cutoff.

I declare under penalty of perjury under the laws of the United States that the  
foregoing is true and correct to the best of my knowledge and belief.

Executed this 28th day of May, 2025, at Los Angeles, California.

/s/ Jacob M. Harper

Jacob M. Harper

**EXHIBIT O**



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**From:** Drell, Michael  
**Sent:** Monday, May 12, 2025 9:53 PM  
**To:** rick@dovel.com; christin@dovel.com  
**Cc:** Harper, Jacob; Canner, Heather; Elie-Meyers, Joseph  
**Subject:** Golikov v. Walmart 2:24-cv-8211-RGK-MAR - Joint Stipulation

Counsel,

Pursuant to Local Rule 37-2, please find enclosed at the [Dropbox link](#) Walmart's portion of the joint stipulation regarding Ms. Golikov's responses to Walmart's first set of requests for production. You should also receive a separate email from Dropbox providing access to the folder.

Walmart believes this matter should be stayed and requests entry of a stay pending Walmart's Rule 26(f) petition and motion to compel arbitration but serves this joint stipulation to prevent prejudice to Walmart given the still-pending discovery cut-off. Walmart believes this matter should be in arbitration and serves this joint stipulation without waiver and in reservation of all rights.

Please let us know if you encounter any issues accessing the folder.

[https://www.dropbox.com/scl/fo/yzfkk7ubxblfmzwi2g7x3/AKJ\\_eubLdP33Oro-XH60UMw?rlkey=119uk5mcnhpb9h4lfq9x93hbb&st=7nofu2pg&dl=0](https://www.dropbox.com/scl/fo/yzfkk7ubxblfmzwi2g7x3/AKJ_eubLdP33Oro-XH60UMw?rlkey=119uk5mcnhpb9h4lfq9x93hbb&st=7nofu2pg&dl=0)

Best,



**Michael S. Drell** he/him

Associate | Davis Wright Tremaine LLP

P 213.633.6891 E [michaeldrell@dwt.com](mailto:michaeldrell@dwt.com)

A 350 South Grand Avenue, 27th Floor, Los Angeles, CA 90071

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[DWT.COM](https://www.dwt.com)



**EXHIBIT P**

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**From:** Michael Drell (via Dropbox) <no-reply@dropbox.com>  
**Sent:** Tuesday, May 20, 2025 9:44 PM  
**To:** Drell, Michael  
**Subject:** Michael Drell shared "2025-05-12 Walmart's Joint Stip re Discovery Responses" with you

[EXTERNAL]

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Michael Drell (michaeldrell@dwt.com) invited you to edit the folder "**2025-05-12 Walmart's Joint Stip re Discovery Responses**" on Dropbox.

**Add to Dropbox**

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**Dropbox for Desktop**

Is there an issue? [Report to Dropbox](#)